



Appeal Decision

Site visit made on 28 June 2019

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2019

Appeal Ref: APP/R5510/D/19/3227933 97 Hartland Drive, Ruislip HA4 0TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Daniel Cibinski against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 11243/APP/2018/4210, dated 30 November 2018, was refused by notice dated 8 February 2019.
 - The development proposed is a Vehicular crossover to pavement in front of dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for a vehicular crossover to pavement in front of dwellinghouse at 97 Hartland Drive, Ruislip HA4 0TJ in accordance with the terms of the application, Ref 11243/APP/2018/4210, dated 30 November 2018, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1967.1 Rev A.
 - 3) The development hereby permitted shall be carried out in accordance with the Site Investigations and Solutions as set out in the Arboricultural Impact Assessment, plan reference: Arbtech AIA 01 and all methods of excavation and construction will be carried out manually and at all times supervised by a qualified arboriculturalist.

Main Issue(s)

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the area in particular the impact to the nearby tree and;
 - Highway safety in particular pedestrian safety.

Reasons

Character and appearance

3. The proposal is for a new vehicle crossover to provide an access from Hartland Drive to the appeal property, which is a terraced house set back from the road. Hartland Drive is a residential street which is characterised by houses fronting the street set back from the pavement. Many of the dwellings have parking to the front of their dwellings, with crossovers installed to provide access to and from the road. Thus the proposed crossover is entirely in keeping with the character and appearance of the street.
4. Policies BE13 of the Hillingdon Local Plan, Part Two (November 2012) (the Local Plan) expects that development should harmonise with the existing street scene. Policy BE19 expects development in residential areas to complement or improve the amenity and character of the areas. Thus, the proposed development complies with these policies.
5. Some gardens have planting to the front, with some larger trees and shrubs providing a small element of green to the road frontage. Adjacent to, and outside the appeal site, is a Ginkgo Biloba tree. The crossover would pass close to the tree, but would not require its removal. The tree currently is surrounded by hardstanding of varying types used for access, the road and pavement.
6. The Council raises concern that the tree would be damaged or killed as a result of excavation or construction work. The appellant has provided a tree survey which has identified the tree to be in fair physical condition which is also growing from the pavement. The tree report identifies the root protection area and the impacts from the crossover and the dropped kerb. This includes suggested manual methods of construction to ensure that the tree is properly protected as well as initial investigations to ensure that the roots are assessed and protected.
7. The appellant has demonstrated due consideration of the impact of the development on the tree and I am not provided with any evidence to demonstrate that the excavation methods suggested would not be suitable, nor that the tree would actually be damaged during construction.
8. Whilst this is an attractive tree, it is afforded little protection in its own right or as part of a Conservation Area. Therefore, notwithstanding the proximity of the development, I afford reduced weight to the impact to the tree, particularly given the appellant's proposed construction methods.
9. Policy BE38 of the Local Plan expects development proposals to provide information about trees where proposals would affect existing trees. As described previously, the appellant has provided this information and as such the proposed development accords with this policy.

Highways safety

10. The Council confirms that the crossover would overlap on to the neighbouring property's frontage which it says is not acceptable. Due to the nature of the appeal site and the residential street, I consider vehicles accessing or leaving the site would not be moving at high speeds. The wall is low and there would be sufficient visibility for both drivers and pedestrians using the appeal site or

neighbouring property. Therefore, the slight overlap is unlikely to cause any harm to pedestrians using the pavement, accessing the appeal dwelling or the neighbouring property.

11. The Council also raises concern about the impact to users of the appeal dwelling due to the position of the car parking space. The plans show space retained as front garden and driveway area, and this includes circulation space for residents. Policy AM7 of the London Borough of Hillingdon Unitary Development Plan (1998) (the UDP) expects development to ensure that there is no compromise to pedestrian safety, thus the proposed development does not conflict with this policy.
12. Policy AM14 states that new development will only be permitted where it accords with the Council's adopted car parking standards. Annex 1 of the UDP sets out the Council's car parking standards. This sets out guidance for front garden and garage parking, however there is no further guidance on crossover arrangements and as such I consider that the proposed development would comply with Policies AM7, AM14 and the car parking standards as set out in Annex 1.

Conditions

13. In addition to the standard timescale for implementation condition, it is necessary to attach a condition confirming the approved drawing in the interests of certainty. I have also imposed a condition for the construction methods to ensure the protection of the street tree.

Conclusion

14. I have found that there is no harm to the character and appearance of the street nor to the nearby tree. There would be no harm to the safety of pedestrians as a result of the development. I therefore conclude that, subject to the above conditions, and having regard to all other matters raised, the appeal should be allowed.

Rebecca Thomas

INSPECTOR